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UGANDA

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I. GENERAL INFORMATION

A. Land and people

1. Uganda is a land-locked country which lies astride the equator, more than 2,000 km west of the Indian Ocean. It borders Kenya to the east, the United Republic of Tanzania and Rwanda to the south, Zaire to the west, and the Sudan to the north. The total area of the country is about 241,000 sq km, 16 per cent of which consists of lakes, rivers and marshes. Most of the land forms a high plateau at an altitude of between 900 to 1,500 m above sea level. To the eastern and western borders the land rises to over 2,000 m forming the shoulders of the Rift Valley. Here lies Lake Victoria, Lake Kyoga and the Rwenzori mountain range where the snow-capped Magherita is among the highest in Africa.

2. The climate is tropical and the annual rainfall varies considerably by region. The highest levels, averaging over 2,000 mm, are found in the lake region. The driest areas of the country can get as little as 500 mm annually. There is a diversity of animal and plant life, vegetation varies from dry savannah in the west and north-east to tropical rain forests in the centre and south-west.

3. Uganda had a population of 16.6 million people (1991 census). Half are children under 15 years. The country is one of the least urbanized in Africa with almost 90 per cent of the population (15,559,000) living in the countryside. This leaves about 10 per cent (2,198,000) of the people who live in urban areas. Populations tend to be concentrated in the more fertile agricultural areas particularly around the shores of Lake Victoria. Uganda is a comparatively densely populated country with about 85 persons per sq km. At a growth rate of 2.5 per cent (1991 census) Uganda's population is likely to double in the next 28 years. This will, however, be influenced by changes in fertility and the effects of the AIDS pandemic.

4. According to the 1991 housing and population census 46.4 per cent of the female population and 48.1 per cent of the male population were under 15 years; 3.3 per cent of the female and 3.5 per cent of the male population were above 65 years. This shows a generally young population and a high dependency ratio with only one person in the economically productive ages of 15 to 64 years for each dependent child.

5. The 1991 housing and population census showed that there were 996,086 female-headed households which is about 26 per cent of the total.

6. In terms of ethnicity, Uganda has more than 40 distinct ethnic groupings. The main divisions are between the Nilotic groups (25 per cent) and the Bantu (60 per cent). The Nilo-Hamitic-speaking groups in the east and the pygmies in the south and west of the country form the rest of the ethnic groupings. The Asians who were sent out of the country in 1972 at the time formed a sizeable proportion of the population. A considerable number of them have returned to the country since 1986.

7. English is the official language and Swahili is spoken widely along with other indigenous dialects. Uganda can be said generally to be a

secular country but freedom of religion is guaranteed by the State. A total of 44.5 per cent of the people are Catholic, 39.2 per cent Anglican, 10.5 per cent Muslim and 5.7 per cent belong to other denominations (1991 census).

8. The infant mortality rate (IMR) is 122/1,000 while the under-5 mortality rate (U5MR) is 203/1,000. Maternal mortality is estimated at 300 to 500 deaths per 100,000 births in urban areas. In the rural areas, this figure is higher and is estimated at 700 to 1,000.

9. Due to low levels of education, early marriage, low contraceptive use and a strong desire for children the level of fertility has remained high and averages 7.1 per woman. There are marked district variations ranging from 5.2 to 8.4.

10. The life expectancy at birth is estimated at 43.4 years.

11. The total literacy rate is about 54 per cent. Female literacy is 45 per cent and male literacy is 65 per cent.

B. Economy

12. Uganda's economy is predominantly agricultural. Eighty per cent of the population earn their living from the land, mostly on smallholdings using traditional farming methods. Agriculture contributes more than 90 per cent of Uganda's export earnings and over 40 per cent of government revenue, coffee contributing the largest percentage. Fluctuations in coffee prices have affected the economy adversely. In 1992, for example, Uganda received less than half its 1989 earnings for nearly the same volume of coffee exports. Government is now advocating diversification into other non-traditional export crops.

13. Uganda's economy reflects the recent history of instability and political mismanagement in the country. Between 1963 and 1971, the gross domestic product (GDP) grew at an annual rate of 4.5 per cent. This started to decline soon after 1971, and between 1977 and 1980, it dropped by 18.8 per cent. Nevertheless, since 1986 GDP has grown at over 5 per cent per annum leading to about 2.7 per cent annual growth per capita. Government operations remain highly dependent on external support. The gross domestic product in the fiscal year 1993/94 was 2,403.8 billion Uganda shillings (US$ 2,530.3). GDP per capita in the fiscal year 1993/94 was 131,032 shillings (US$ 138).

14. In 1992 GNP per capita was only US$ 220. This is far below the average for sub-Saharan Africa of US$ 370. Note that GNP per capita is just an average. It does not show the uneven distribution of income. In reality, therefore, very many Ugandans subsist on less than US$ 220 a year.

15. By June 1994 Uganda's debt stock was estimated at US$ 2.6 billion.

16. The combined consumer price index (headline inflation) indicates annual inflation for the 12 months to May 1994 to be 16.1 per cent per annum rising from a negative inflation rate of -2.4 per cent in June 1993.

II. GENERAL POLITICAL STRUCTURE

A. Political history

17. Uganda has passed through turbulent political history since it became independent in 1962. There have been seven changes of Government since independence. Uganda's political development has been characterized by instability which is partly attributed to ethnic and religious differences. The socially divisive policies followed by the British colonialists also contributed to this instability.

18. The National Resistance Movement (NRM) came to power in 1986 after successfully waging a five-year protracted struggle against the Obote II regime. The NRM Government has gradually restored stability to most parts of the country. Grass-Roots Resistance Councils (RCs) have been set up to organize people and check the human rights abuses that have afflicted the country. The RC system was first introduced during the war (1981-1986) in the absence of State administration in the National Resistance Army (NRA)-controlled areas. The Resistance Councils and committees were given recognition in September 1987 (RC Statute 1987). The statute legalized their existence and integrated them into the local government structure.

19. The development of the RC structure from the village RC I culminating in the National Resistance Council (NRC) blends the traditional style of government with modern democratic principles. Council executive members are democratically elected at every level, i.e. RC I (village), RC II (parish), RC III (sub-county), RC IV (county) and RC V (district). A Resistance Committee consists of nine members namely: Chairman; Vice-Chairman/Secretary for Children's Welfare; General Secretary; Secretary for Youth; Secretary for Women; Secretary for Information; Secretary for Mass Mobilization and Education; Secretary for Security; Secretary for Finance.

20. At least one female representative is appointed at each RC level to promote a more positive social gender balance at all levels of society. The evolution and structure of the RC system has been emphasized in view of the important role it is currently playing in the social and political life of Uganda, and also the important role it is going to play in the care and protection of children as stipulated in the Draft Bill for the Children's Statute and the Local Government (Resistance Councils) Statute 1993.

B. Organization of the executive

21. The 1967 Constitution concentrated executive powers in the President. With the removal of the federal and quasi-federal structure of the 1962 Constitution, all powers were concentrated at the centre to be exercised by the President without checks and balances. Since 1986 Uganda has been under the National Resistance Movement (NRM). The President was elected by the NRC, the political arm of the Movement under the NRM administration. The executive operates under the 1967 Constitution, but as modified by legal Notice No. 1 of 1986. The President is empowered to appoint Ministers, a Vice-President and there is a provision for a Prime Minister who is leader of government business in the NRC.

C. The legislature

22. By legal Notice No. 1 of 1986 the NRM amended the 1967 Constitution and among other things vested the NRC with supreme authority of the Government and in particular the legislative powers of the legislature. Statutes are passed with the assent of the President. Initially the NRC consisted of the NRM Chairman, the 38 original NRM members (historical) and Ministers. Since 1989 membership has expanded and by 1992 NRC membership totalled 277.

D. Judicial organs

23. The judiciary administers a system of law which in Uganda includes the Constitution, statutes enacted by Parliament, common-law principles derived from English law and customary law. The judiciary alone is the organ of the State vested with powers to interpret the law and determine all justiciable disputes. The judiciary is independent from the legislature and executive in interpreting the law and deciding disputes. The existing judicial system operates mainly under the 1967 Constitution, the Judicature Act 1967 and the Magistrates Court Act 1970.

24. The Resistance Committees Judicial Powers Statute (Statute No. 1 of 1985) provides that the nine members of the RC in every village, parish and sub-county are established as courts. These have powers to try court cases of value up to Uganda shillings 5,000 (US$ 5.3), customary law matters and cases arising from infringement of by-laws made under the Resistance Councils and Committees Statute of 1987. The RC courts operate under the overall supervision of the High Court which supervises all courts below it.

25. Magistrates courts are headed by a Chief Magistrate. The Chief Magistrate and magistrate Grade I are lawyers while the other grades (II and III) are expected to have a diploma in law and judicial practice. All magistrate courts exercise original jurisdiction in criminal and civil matters except for capital offences. The Chief Magistrate courts have appellate jurisdiction over magistrates II, III and RC courts.

26. The High Court has unlimited jurisdiction in both civil and criminal matters. It has appellate jurisdiction for the magistrates courts. The court is headed by the Principal Judge. The High Court is duly constituted by a single judge (some judges are resident in up-country centres). However, in criminal matters the judge is assisted by assessors.

27. The Supreme Court is the highest court. All the appeals from the High Court go to the Supreme Court. It consists of the Chief Justice, Deputy Chief Justice and not less than three other judges. The Court is constituted by three judges except in constitutional cases where five judges are required.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Judicial

28. There are formal courts comprising the Supreme Court, the High Court and the Magistrates Courts. There are also informal courts mainly composed of Resistance Council courts.

B. Administrative

29. Under the Inspector General of Government (IGG) Statute (Statute No. 2 of 1988), the office of the IGG is mandated to protect and promote human rights and the rule of law in Uganda, and it also deals with administrative abuses.

30. The Human Rights Commission has powers to hear human rights-related cases but cannot try those implicated in the violation of the rights. The Human Rights Commission has investigated abuses under the regimes prior to the NRM Government and has already submitted its report to Government. The Human Rights Commission is going to be entrenched in the new constitution. There are also several NGOs in the country with specific interests in human rights.

31. There is an active press that has contributed to exposing and highlighting human rights abuses. There is general respect for freedom of speech.

C. Remedies

32. Remedies obtainable to an individual who claims that any of his/her rights have been violated depend on the nature of the violation. When an individual's civil rights are violated, he or she can file a civil suit in the appropriate courts. When a person's constitutional rights are violated then a constitutional suit can be filed. If a crime is committed the State can file a complaint on behalf of the victim.

D. System of compensation

33. Compensation only applies in civil cases. The Uganda Law Review Commission is, however, working on a project to introduce compensation to victims of crime. Criminal cases are prosecuted in the courts of law and the penalties depend on the offence. For public officers whose rights are violated the Inspector General of Government intervenes as appropriate. Government sometimes intervenes to offer relief or compensation to people whose rights have been violated, e.g. the victims of war and insurgency.

E. Rehabilitation

34. Rehabilitation services for victims are generally lacking. This is certainly an area that needs a lot of attention. Some NGOs are emerging to address this area, but their activities are limited and still in the infancy stage.

F. Protection of human rights

35. The rights in the various human rights instruments are protected by the Constitution. In addition, enabling statutes do exist to expound on the provisions in the Constitution, e.g. Penal Code Act, Magistrates Court Act, Trial and Indictment Decree and others.

36. The Inspectorate of Government has a separate instrument of its own that provides a framework for the protection of human rights, the Inspector General of Government Statute 1988.

G. Derogation

37. Provisions for derogation are contained in the same chapter 3 of the 1967 Constitution. It is provided, for example, that in the enjoyment of the fundamental rights and freedoms no person shall prejudice the freedoms of others or the public interest.

38. The report of the Uganda Constitutional Commission noted that derogation provisions in the 1967 Constitution were too many and watered down the substance of the human rights provisions. It further noted that the human rights provisions could be suspended in officially declared state of emergency.

39. The Constitutional Commission, among other things, recommended that the enjoyment of rights and freedoms in the new constitution should be limited only by the requirements to respect the rights and freedoms of others, the demands of public interest and morality and the need for law and order in society. The outcome of this recommendation and others will be in the new constitution.

H. How human rights instruments are made part of the national legal system

40. For a ratified instrument to become municipal law, it is debated by Parliament, a bill is passed and a law is then made.

41. The various human rights instruments are not directly enforceable by the courts or other administrative authorities. They first have to be transferred into internal laws or administrative arrangements.

I. Machinery for overseeing the implementation of human rights

42. There is a Human Rights desk in the Ministry of Justice. It is responsible for receiving human rights complaints and teaching of human rights. The Uganda Law Reform Commission is responsible for incorporating all ratified international instruments into national laws and educating the public about them.

43. The IGG is currently filling in the gap for the Human Rights Commission in overseeing human rights issues. This mandate will shift to the human rights commission to be established under the new constitution.

IV. INFORMATION AND PUBLICITY

44. Not much has been done in this area. However, IGG's office has been holding some workshops covering a wide spectrum of human rights issues for the district-level administrators and the press. The United Nations fact-sheet booklets on human rights are given out during these seminars. No attempts have been made to translate these series into the local languages yet.

45. The Uganda Law Reform Commission is supposed to be engaged in promoting awareness concerning the rights in the various instruments. Due to lack of resources there are no activities yet in place.

46. It is the responsibility of the IGG's office to prepare reports which are submitted to the President and Parliament. This office largely conducts its own investigations with little or no inputs from external sources.

47. The Ugandan Government is continuing the struggle to reverse negative political and economic trends. The country's human rights record has greatly improved since 1986. A lot of infrastructural development is taking place, especially the rehabilitation and making of new roads, improving water and electricity supply and the revitalization of the industrial sector. All these are being achieved as a result of the favourable political climate created since 1986. Most Ugandans have taken up this challenge with hope and optimism.